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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,784	12/30/2003	Michel Barlaud	19904-006CON	1078

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EXAMINER
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PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2621

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11/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/749,784

Applicant(s)

BARLAUD ET AL.

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a first Office action in response to application no. 10/749,784 filed on December 30 2003 in which claims 1-24 are presented for examination.

#### ***Claim Objections***

1. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 24 refers to "the device of claim 16". Claim 16 does not call for a device. Claim 16 refers to claim 1 which is a process.

In addition, if the Applicant is referring to claim 17 instead of claim 16 (i.e., in case of a typographical error), antecedent basis for "a computer" must be present in the independent claim.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-4, 6, 8-9, 16, 19-23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 3 recites the limitation "regularizes the background image" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 4 recites the limitation "the quantification interval" in lines 2 and 4. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 6 recites the limitation "the transfer function of methods for acquisition a memory storage" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 8 recites the limitation "the evolution of predetermined digital criteria" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 16 recites the limitation "the average representation are superimposed" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

9. Claims 19-24 recite the limitation "the device of claim 16" in line 1. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Regarding claims 1 and 17, the specification fails to disclose a specific version of the MPEG and JPEG standards claimed. The claimed limitations cannot vary over time and must be clear and constant. There are, for example, different versions of the MPEG standard, therefore, the claimed MPEG as seen in the claims is indefinite because the standard would change over time.

Claims 2-16 and 18-24 are rejected by dependency to claims 1 and 17.

Since most of the dependent claims are rejected as being indefinite due to lack of sufficient antecedent basis. Examination will be performed as best understood by the Examiner.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-24 are rejected under 35 U.S.C. 102 (e) as being anticipated by Sekiguchi et al. (US Patent no. 7,110,456).

Regarding claims 1 and 17, Sekiguchi discloses a device and process for the decompression of animated images compressed by a method incorporating block treatment of images (See Sekiguchi's Abstract), and containing a digital data recomposition phase defining predefined forms (See col. 11, lines 25-28, col. 12, lines 43-47); (b) a movement modeling stage of these forms using a process of prediction, interpolation and temporal compensation (See col. 11, lines 19-24 and fig. 33); (c) an image composition phase from reconstructed elements of JPEG or MPEG type motion, wherein the form recomposition stage includes a process for separating fixed forms from mobile forms (See col. 11, lines 34-42); (d) a process for recording digital data corresponding to fixed forms treated with a filter which is not separable from the

processes implemented in the recomposition phase in a first specific memory unit (See col. 12, lines 18-28); and (e) digital data corresponding to mobile forms in a second specific memory unit (See col. 12, lines 29-36).

As per claims 2 and 18, most of the limitations of these claims have been noted in the above rejection of claims 1 and 17. In addition, Sekiguchi further provides an irreducible digital filter (See Fig. 24, item 50, and col. 32, lines 26-48).

As per claim 3, Sekiguchi further provides means to filter the background image (See col. 23, lines 51-61).

As per claims 4-6 and 14, the quantification interval claimed is met in Sekiguchi col. 19, lines 36-51.

As per claims 7-13, most of the limitations of these claims have been noted in the above rejections of claim 1. In addition, Sekiguchi further identifies mobile objects in accordance with the evolution of predetermined criteria, and wherein the criteria define the spatial segmentation of mobile objects (See Sekiguchi col. 4, lines 43-61, col. 5, lines 17-45, and col. 8, lines 23-39).

As per claim 15, most of the limitations of this claim have been noted in the above rejection of claim 7. In addition, Sekiguchi further stores separately specific parameter for each object (See Sekiguchi col. 31, lines 22-60).

As per claim 16, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Sekiguchi further superimposes the average representation and the mobile objects in fixed image time for display (See Sekiguchi col. 17, lines 35-52).

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nieweglowski et al. (US Patent no. 6212235) teaches video encoder using motion-based segmentation and merging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

November 15 2007